



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/465,730	05/17/2000	CHARLES ERIC HUNTER	0108020-0533877	9231
26874 7590 08/01/2008 FROST BROWN TODD, LLC 2200 PNC CENTER 201 E. FIFTH STREET CINCINNATI, OH 45202				
EXAMINER ALVAREZ, RAQUEL				
ART UNIT 3688		PAPER NUMBER		
NOTIFICATION DATE 08/01/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

[patents@fbtlaw.com](mailto:patents@fbtlaw.com)

### Office Action Summary

**Application No.**

09/465,730

**Applicant(s)**

HUNTER ET AL.

**Examiner**

Raquel Alvarez

**Art Unit**

3688

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14-19, 22, 23, 73-79, 83 and 84 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-19, 22, 23, 73-79, 83 and 84 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-884)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 7/17/2008

### **DETAILED ACTION**

1. This office action is in response to communication filed on 5/9/2008.
2. Claims 14-19, 22-23, 73-79 and 83-84 are presented for examination.

### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14-17, 22-23, 73-79 and 83-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (6,060,993 hereinafter Cohen).

With respect to claims 14, 73-74, 76, 77, 83, 84 Cohen teaches a method of providing video or still image advertisements at selected locations on a network of multiple display screen that are located in traffic areas (Abstract). Providing advertising customers the opportunity to order display of advertising content at display screen locations selected by the advertising customers (i.e. advertiser 28 chooses the advertisers content to display at various locations specified by the individual advertisers) (col. 4, lines 64 to col. 5, lines 1-3) ; receiving advertising content from the advertising customers (i.e. receiving advertisers profiles and customer preferences based on the location and weather)(col. 4, lines 64 to col. 5, lines 1-3 and col. 5, lines 24-28); transmitting advertising content received from the advertising customers to the selected

display screen locations (see display 14); driving the display screen at each selected location to display the transmitted advertising content in accordance with the advertising customers' orders (see Figure 1; col. lines 37-46).

With respect to the advertising customer electronically ordering the display via an interface. Cohen teaches on col. 2, lines 58-61 and col. 4, lines 64 to col. 5, lines 1-3 and col. 5, lines 24-27 receiving advertisers profiles, the advertisers choosing where and under what weather conditions (i.e. scheduling) to display the advertisements. Cohen is silent as to the means used by the advertisers to order and schedule the display. Official Notice is taken that it is old and well known at the time of Applicant's invention to electronically by means of a website and the like to order advertisements from a content provider. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included in the system of Cohen electronically means for ordering because such a modification would provide the convenience of ordering using such known methods as the Internet.

With respect to claim 75, Cohen further teaches generating a bill in accordance with the order (col. 5, lines 14-23).

With respect to claim 78, Cohen further teaches sending the advertising content to the selected display screens using wireless communications (col. 3, lines 39-43).

With respect to claims 79, and 83-84, Cohen further recites any of a variety of known electronic driven changeable displays, including LED, liquid crystal displays (col. 3, lines 64 to col. 4, lines 1-3).

With respect to claims 15-17, Cohen further teaches verifying the display for appropriateness of the time and content of the display (col. 4, lines 64 to col. 5, lines 1-3).

Claims 22-23 further recite detecting defective pixels on the display and automatically calibrating the defective pixels. Official notice is taken that it is old and well known in the imaging arts to detect and automatically calibrate the defective pixels in order to improve the image.

**5. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen in view of Cragun (5,504,675 hereinafter Cragun).**

Claims 18-19 further recite detecting customer traffic near the selected display locations and generating market analysis report from the detection of traffic. Cragun teaches collecting data pertaining to the proximity of persons around a presentation unit display and using the collected data to further run sales promotion programs (Abstract).

Art Unit: 3688

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included detecting customer traffic near the selected display locations and generating market analysis report from the detection of traffic in order to obtain the above mentioned advantage.

### **Response to Arguments**

6. Applicant's arguments with respect to claims 14-19, 22-23, 73-79 and 83-84 have been considered but are moot in view of the new ground(s) of rejection.

### **Point of contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3688

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raquel Alvarez/  
Primary Examiner, Art Unit 3688

Raquel Alvarez  
Primary Examiner  
Art Unit 3688

R.A.  
7/28/2008